

REMARKS

Reconsideration of the subject application is respectfully requested.

Claims 2, 9, 15, 16, 20-25 and 29 are objected to for various informalities, such as lacking antecedent basis. Applicants have corrected each of these claims to address this issue and respectfully request withdrawal of the objection.

The Examiner has objected to the specification for failing to provide proper antecedent basis for the claimed subject matter. Applicants have canceled claim 29. Furthermore, Applicants submit new drawings supporting the present claims.

However, Applicants' drawing revisions are directed to providing reference number 82. With respect to the Examiner's focus on the variable resistor, this component is internal electronics--not suitable for illustration. With respect to the several claim limitations for a selectively moveable optical assembly and/or LED array, the present drawings demonstrate this concept (see Fig 1, element 42).

In view of the above amendments, Applicants submit that the application is in condition for allowance as the allowable subject matter is indicated in the Office Action of February 27, 2003 appears in each of the dependent claim of the application. Accordingly, allowance of the application is respectfully requested.

Respectfully submitted,

**FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP**

May 27, 2003
DATED



Scott A. McCollister
Reg. No. 33,961
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518
(216) 861-5582

MARKED-UP VERSION OF THE AMENDED CLAIMS, SHOWING CHANGES

1. An undercabinet lighting assembly comprising:
a housing;
a first plurality of Light Emitting Diodes (LEDs) mounted within the housing forming at least one array of LEDs, the LEDs generating an LED beam and serving as a light source;
a switch coupled to a variable resistor for controlling a level of optical output;
an optical assembly operatively associated with the housing for focusing and dispersing the LED beam traveling through said optical assembly to a desired light contour; and
a fixing apparatus disposed on a surface of the housing for attaching the undercabinet lighting assembly to an associated structure.

Please cancel claim 2.

9. [The undercabinet lighting assembly according to claim 1,]An undercabinet lighting assembly comprising:
a housing;
a first plurality of Light Emitting Diodes (LEDs) mounted within the housing forming at least one array of LEDs, the LEDs generating an LED beam and serving as a light source;
an optical assembly operatively associated with the housing for focusing and dispersing the LED beam traveling through said optical assembly to a desired light contour;
a fixing apparatus disposed on a surface of the housing for attaching the undercabinet lighting assembly to an associated structure; and
further comprising a battery pack having a battery source enclosed by the [fixture] housing for providing back up power and emergency lighting.

11. [The undercabinet lighting assembly according to claim 1] An undercabinet lighting assembly comprising:
a housing;

a first plurality of Light Emitting Diodes (LEDs) mounted within the housing forming at least one array of LEDs, the LEDs generating an LED beam and serving as a light source;

an optical assembly operatively associated with the housing for focusing and dispersing the LED beam traveling through said optical assembly to a desired light contour; and

a fixing apparatus disposed on a surface of the housing for attaching the undercabinet lighting assembly to an associated structure;

wherein the optical assembly is continuous and encapsulates the LED array, and is selectively adjustable for focusing and dispersing the LED beam as desired.

12. [The undercabinet lighting assembly according to claim 1] An undercabinet lighting assembly comprising:

a housing;

a first plurality of Light Emitting Diodes (LEDs) mounted within the housing forming at least one array of LEDs, the LEDs generating an LED beam and serving as a light source;

an optical assembly operatively associated with the housing for focusing and dispersing the LED beam traveling through said optical assembly to a desired light contour;

a fixing apparatus disposed on a surface of the housing for attaching the undercabinet lighting assembly to an associated structure;

wherein the optical assembly encapsulates the LED array and is fixed and the array of LEDs serving as the light source is selectively moveable for focusing and dispersing the LED beam as desired.

13. [The undercabinet lighting assembly according to claim 1] An undercabinet lighting assembly comprising:

a housing;

a first plurality of Light Emitting Diodes (LEDs) mounted within the housing forming at least one array of LEDs, the LEDs generating an LED beam and serving as a light source;

an optical assembly operatively associated with the housing for focusing and dispersing the LED beam traveling through said optical assembly to a desired light contour;

a fixing apparatus disposed on a surface of the housing for attaching the undercabinet lighting assembly to an associated structure; and

further comprising a second plurality of LEDs for providing lower levels of illumination, the second plurality of LEDs being separate and distinct from the first plurality of LEDs, the second plurality of LEDs adapted to automatically turn on upon primary power failure.

15. An undercabinet lighting assembly comprising:

a housing; and

a first plurality of Light Emitting Diodes (LEDs) mounted within the [fixture] housing forming at least one array of LEDs, the array of LEDs generating an LED beam and serving as a light source, said first plurality of [devices] LEDs being powered by an AC power source and a battery source upon failure of the AC power source including a switch having a variable resistor for controlling a level of optical output.

16. The undercabinet lighting assembly according to claim 15, further comprising a switch formed from a variable resistor for controlling [the] a level of optical output.

17. The undercabinet lighting assembly according to claim [16] 15, wherein the switch is adapted to selectively turn on and off any select number of LED's within the at least one array of LED's, thereby allowing a user to choose from several different levels of illumination.

18. The undercabinet lighting assembly according to claim [16] 15, wherein the switch operates as a step level variable control having at least two distinct levels of illumination.

20. The undercabinet lighting assembly according to claim [16] 15, wherein the switch operates as a rheostat having continuous variable control.

Please cancel claim 23.

25. The undercabinet lighting assembly according to claim 15, further comprising at least one continuous, encapsulating optical assembly operatively associated with the [fixture] housing which is selectively adjustable for focusing and dispersing the LED beam.

Please cancel claim 29.